

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MAURA O'NEILL, as administrator)
of the Estate of Madelyn E. Linsenmeir,)
Plaintiff,)
v.)
)
CITY OF SPRINGFIELD, MOISES)
ZANAZANIAN, REMINGTON MCNABB,)
SHEILA RODRIGUEZ, HAMPDEN)
COUNTY SHERIFF'S DEPARTMENT,)
And JOHN/JANE DOES NOS. 1-5,)
Defendants.)
)

Civil Action No. 20-30036

JOINT STATEMENT REGARDING SCHEDULING CONFERENCE

This action arises from the death of Madelyn Linsenmeir. Madelyn was arrested by the Springfield Police Department on September 29, 2018, and she died on October 7, 2018, while in the custody of the Hampden County Sheriff's Department. In summary, the complaint alleges that Madelyn had a life threatening heart infection at the time of her arrest, that she requested medical attention for symptoms including chest pain and difficulty breathing shortly after her arrest and at various times thereafter, and that she was denied medical attention over the period of September 29 to October 4. The complaint alleges that the denial of medical care resulted in the progression of the infection to irreversible sepsis, and thus ultimately to her death.

The plaintiff is Maura O'Neill, who is Madelyn's sister and is suing in her capacity as the appointed representative of Madelyn's estate. The defendants are certain of Madelyn's custodians during her time in custody, including the City of Springfield and several of its police employees, and including the Hampden County Sheriff's Department and several of its employees presently designated "John/Jane Doe". Plaintiff anticipates identifying these "Doe" defendants and naming them individually during the course of discovery.

The Court denied the defendants' motions to dismiss on May 5, 2021. All defendants have subsequently filed answers, in which they denied certain of the allegations and denied liability for Madelyn's death. The Sheriff's Department also raised 57 affirmative defenses, and the Springfield defendants collectively raised more than 80 affirmative defenses. Accordingly, the prompt initiation of discovery is now appropriate.

Pursuant to the Court's Notice of Scheduling Conference and Rule 16.1(b) of the Local Rules of the United States District Court for the District of Massachusetts, counsel for the parties have conferred and propose the following discovery plan:

1. Joint Discovery Plan

The parties propose the following discovery plan:

- (a) Initial discovery disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed on or before September 30, 2021.
- (b) All fact discovery, including non-expert depositions, shall be completed by June 30, 2022. All discovery will be conducted simultaneously, not in phases. The parties propose to modify the discovery event limitations of Local Rule 26.1(c) as follows:
 - (1) Interrogatories and Requests for Admission: The parties propose that each party be permitted to direct up to 25 interrogatories and up to 25 requests for admission to each other party.
 - (2) Requests for Production: Consistent with the local rule, the parties propose no limit on the number of request for production. Given the number of defendants, the parties propose that there be no limit on the number of separate sets of such requests.

(3) Depositions: The defendants propose a limit of 15 depositions per side. The plaintiff proposes a limit of 25 depositions per side. The parties are prepared to discuss the reasons for this disagreement at the scheduling conference.

(c) Plaintiff's opening expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made on or before July 31, 2022. Defendants' shall make their expert disclosures on or before September 30, 2022. Plaintiffs shall make any rebuttal expert disclosures on or before October 31, 2022.

(d) All expert witness depositions are to be completed, and discovery to close, by December 16, 2022.

2. Proposed Schedule for the Filing of Motions

The defendants anticipate filing dispositive or partially dispositive motions following the close of discovery. Plaintiff has not yet determined whether to file any such motions. The parties propose that the Court schedule a status conference on a date convenient for the Court in October 2022 to discuss a schedule for dispositive motions.

3. ADR

As required by Local Rule 16.1(c), plaintiff has served written settlement proposals on the defendants. Plaintiff remains available to review any written response by the defendants, and to discuss settlement matters at the defendants' convenience. The parties are not seeking referral to alternative dispute resolution at this time.

Respectfully submitted,

Dated: September 9, 2021

/s/ Daniel L. McFadden
Matthew R. Segal (BBO # 654489)
Jessie J. Rossman (BBO # 670685)
Daniel L. McFadden (BBO #676612)
American Civil Liberties Union
Foundation of Massachusetts, Inc.
211 Congress Street
Boston, MA 02110
(617) 482-3170

Elizabeth Matos (BBO # 671505)
David Milton (BBO # 668908)
Prisoners' Legal Services of Massachusetts
50 Federal St.
Boston, MA 02110
(617) 482-2773

Martin M. Fantozzi (BBO # 554651)
Richard J. Rosensweig (BBO # 639547)
Goulston & Storrs PC
400 Atlantic Avenue
Boston, MA 02110
(617) 482-1776

Attorneys for Plaintiff

Dated: September 9, 2021

/s/ Lisa C. deSousa
Lisa C. deSousa, Esq. BBO#546115
Attorney for Defendants
City of Springfield and
Sheila Rodriguez
City of Springfield Law Department
1600 E. Columbus Ave., 2nd Floor
Springfield, MA 01103
Tel: (413) 787-6085
Email: ldesousa@springfieldcityhall.com

Dated: September 9, 2021

/s/ John Vigliotti
John K. Vigliotti (BBO# 642337)
Attorney for Defendant
Moises Zanazanian

Reardon, Joyce & Akerson, P.C.
4 Lancaster Terrace
Worcester, MA 01609
Tel: (508) 754-7284
Email: jvigliotti@rja-law.com

Dated: September 9, 2021

/s/ Kevin B. Coyle
Kevin B. Coyle, Esq. (BBO#103540)
Attorney for Defendant Remington McNabb
1299 Page Boulevard
Springfield, MA 01104
Tel: (413) 787-1524
Email: attycoyle@aol.com

Dated: September 9, 2021

/s/ Thomas E. Day
Thomas E. Day (BBO # 655409)
Special Assistant Attorney General
Attorneys for Defendants Hampden County
Sheriff's Department and John/Jane Does
Nos. 1-5
Egan, Flanagan and Cohen, P.C.
67 Market Street, P.O. Box 9035
Springfield, MA 01102
Tel: 413-737-0260
Email: ted@ecf.law.com